

Asbestos Programs Branch Update

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New Texas Asbestos Health Protection Rules



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If you haven't already heard, Texas has newly revised asbestos rules. The Texas Asbestos Health Protection Rules (TAHPR) were revised and published for comment in the December 6, 2002 Texas Register. In March 21, 2003 the final rules were published and became effective on March 27, 2003.

I would like to thank everyone who made comments to help improve the rules. I know how long it takes to read through changes, consider the impact, and write down your concerns. I can't tell you how much it helps us to have persons who deal with asbestos abatement concerns on a daily basis to take the time to review the proposal and provide us comments. Without your help we would continue to view the regulation of the industry through the same perspective. So, thank you for your hard work and concern to make the rules even better.

Every time new rules are developed, in spite of everyone's best efforts, some things get missed until after the rules have been published. Some people read them in order to see the changes or others may read them for the first time and discover things that may need to be addressed. Many times, it is only at this point that certain idiosyncrasies are noticed. Many times, the issue that is brought to our attention is not related to a new change, but is something that has been in the rules for a long time. Whatever the issue, we still welcome your comments, even after the rule has been published in its final form. It is through these comments that we compile the list of issues that need to be addressed in the next round of rule changes. So, if you see something that has been bugging you for years, or something that doesn't make sense in the new rules, please let us know so that we can help you.

Continue the good work addressing your asbestos challenges and remember that we are always ready to help you with your questions.

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Asbestos Enforcement

The following entities have been issued an Agreed Order by the Texas Department of Health and have agreed to pay a penalty and/or conduct supplementary asbestos related activities to resolve these enforcement actions:

A&B Environmental Services, Incorporated

Date: March 26, 2002

Location: YMCA, 7903 South Loop East, Houston

Citation: Failure to provide professional services to building owner; Failure to sign specifications. [25 TAC 295.47(h); 25 TAC 295.47(i)]

A.O.C. Environmental, Incorporated

Date: N/A

Location: Building #3 North at Lake Kickapoo, Texas, North Lake Kickapoo, Archer City

Citation: Failure to provide a timely notification of asbestos related activities. [40 CFR Part 61, Subpart M, 61.145(b)]

Albertson's, Incorporated

Date: April 19 and 25, 2002

Location: Albertson's Grocery, 6708 South Flores, San Antonio

Citation: Failure to provide notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

All Foods, Incorporated

Date: August 13 and 14, 2002

Location: Old Country Steak House, 950 North Burleson Boulevard, Burleson

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

All Saints Episcopal Church

Date: N/A

Location: All Saints Episcopal Church, 5001 Crestline Road, Fort Worth

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

American Heritage Church

Date: July 10 and 12, 2002

Location: Former Mercantile Bank of Fort Worth, 2550 Meacham Boulevard, Fort Worth

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

American Insulation and Abatement

Date: December 3, 2002

Location: Naval Air Station – Kingsville, 554 McCain, Suite 310, Kingsville

Citation: Failure to provide a timely notification of asbestos related activities. [40 CFR Part 61, Subpart M, 61.145(b)]

Anderson, Sara R.

Date: April 30, 2001

Location: Demolished Building, Intersection of Texas Highway 725 and US Highway 90A, Guadalupe County

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)]

Apex Technical Services, Incorporated

Date: N/A

Location: Amarillo's Private Birth Suites, 5507 West 9th, Amarillo

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

ARC Abatement, Incorporated

Date: March 28, 2001

Location: Two story building, 911 North Congress Avenue, Austin

Citation: Failure to install critical barriers. [25 TAC 295.60(b)]

Date: November 27, 2001

Location: Commercial Structure, 7200 Lake Worth Boulevard, Fort Worth

Citation: Failure to install critical barriers. [25 TAC 295.60(b)]

Asbestos and Demolition Contracting

Date: February 8, 2002

Location: Wells Fargo Bank – Hillsboro Branch, 1400 Corsicana Highway, Hillsboro

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

AST Environmental, Incorporated

Date: May 15, 2002

Location: Former Wooten Hotel, 1102 North Third Street, Abilene

Citation: Failure to sign specifications created by outside party; Failure to include baseline air monitoring in the specifications. [25 TAC 295.47(i); 25 TAC 295.58(i)(1)(A)]

ATC Associates, Incorporated

Date: October 24, 2001

Location: Jack in the Box No. 814, 7206 Blanco, San Antonio

Citation: Failure to provide an amended notification – cancellation. [25 TAC 295.61(d)(1) and 40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(A)(1) and (2)]

Austin Mall, Incorporated

Date: N/A

Location: Highland Mall, 7199 Highland Mall Blvd, Austin.

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Asbestos Enforcement (Continued)

Baer Engineering and Environmental Consulting, Incorporated

Date: January 8, 2002

Location: Westgate Plaza, 4630 Westgate Boulevard, Austin

Citation: Failure to provide professional services to building owner. [25 TAC 295.47(h)]

Bandy and Associates, Incorporated

Date: January 8, 2002

Location: Former gas station, 3028 South Shaver Street, Pasadena

Citation: Performing asbestos related activities without a license. [25 TAC 295.35(a)]

Bayer Corporation

Date: October 30, 2003

Location: Utilities Department, 8500 West Bay Road, Baytown.

Citation: Failure to provide a timely notification of asbestos related activities. [40 CFR Part 61, Subpart M, 61.145(b)]

Bayou Vista

Date: N/A

Location: 2701 Foote Street Vacant Lot, 2701 Foote Street at Jensen Drive, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Beck Group, The

Date: August 6, September 5 and 6, 2002

Location: Restaurant and House, 13129 Highway 71 West, Austin

Citation: Failure to provide a timely amended notification – later start date. [25 TAC 295.61(d) and 40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(A)]

Bell Helicopter Textron

Date: N/A

Location: Bell Helicopter Textron – Plant 6, 600 Interstate 20 East, Arlington

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Bermudez, Dora

Date: July 10, 2002

Location: Former Southern Union Gas Building, 355 West Elizabeth Street, Brownsville.

Citation: Failure to properly remove asbestos-containing materials; Failure to provide notification of asbestos related activities. [25 TAC 295.34(a); 25 TAC 295.61(a)]

Bexar Environmental, Incorporated

Date: February 13, 2002

Location: Vacant house, 13342 Bluegill Road, San Antonio

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Bhakta, Niranjan K. and N. Savitri

Date: July 11, 2002

Location: Bandera Lodge, 702 Highway 16 South, Bandera

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Border Demolition and Environmental, Incorporated

Date: March 30, 2002

Location: Smurfitt-stone Container Corporation, 6968 Industrial, El Paso

Citation: Failure to adequately wet regulated asbestos-containing material (RACM); Failure to properly contain regulated asbestos-containing material (RACM). [40 CFR Part 61, Subpart M, 61.145(c)(3),(c)(6)(i); 40 CFR Part, 61, Subpart M, 61.145(a)(1)(iii)]

Borger, City of

Date: May 14, 2002

Location: Former Apartments, 908 Franklin Street, Borger; Former Hotel, 495 Deahl Street, Borger

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide a timely notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Borger Independent School District

Date: N/A

Location: Davey Crockett Elementary, Borger

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

BP Texas City Chemical Plant

Date: N/A

Location: BP Texas City Chemical Plant Dock – Tank 203, Dock Road, Texas City; Pipestill 3-B Desalter, 2401 5th Avenue South, Texas City

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Broussard, Troy Lee

Date: November 27, 2002

Location: Commercial Building, 2021 Savannah Avenue, Port Arthur

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)]

Asbestos Enforcement (Continued)

Carrizo Springs Consolidated Independent School District

Date: August 2, 2002

Location: North Elementary School and Former Carrizo Springs Migrant Center and Ag Shop, 612 North 7th Street, Carrizo Springs.

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.61(a)]

CenterAmerica Property Trust

Date: February 19, 2002

Location: Windsor Village Shopping Center, Space 4, 5838 Westminster Drive, Austin

Citation: Failure to provide an amended notification – start date change. [25 TAC 295.61(d) and 40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(B)(1)]

Camco Land, Limited

Date: N/A

Location: Commercial Building, 911 West 38th Street, Austin

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Cameron County Health Department

Date: June 7, 2002

Location: Cameron County Health Department, 186 Sam Houston, San Benito

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Carrollton-Farmers Branch Independent School District

Date: N/A

Location: Vacant Houses, 2872, 2876, 2880, 2884, and 2894 Valwood Parkway, Farmers Branch

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Center America Property Trust

Date: February 19, 2002

Location: Windsor Village Shopping Center, Space 4, 5838 Westminster Drive, Austin

Citation: Failure to provide an amended notification – start date change. [25 TAC 295.61(d) and 40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(B)(1)]

Central Abatement Limited-liability Corporation

Date: June 6, 2002

Location: South Birdville Elementary School, 2600 Solona, Haltom City

Citation: Failure to adequately wet asbestos-containing building material (ACBM); Failure to properly contain asbestos-containing material (ACBM); Failure to establish proper containment ventilation; Failure to install critical barriers; Failure to remove moveable objects from containment area. [25 TAC 295.60(j)(1); 25 TAC 295.60(j)(3); 25 TAC 295.60(i); 25 TAC 295.60(b); 25 TAC 295.60(c)]

Christian Strong Hold

Date: N/A

Location: 2.5 Story Building, 7626 Furgerson Road, Dallas

Citation: Failure to pay the required notification fee(s). [25 TAC 295.61(j)(4)]

Cherry Demolition Company

Date: N/A

Location: One story single family residence, 8823 Bunningham, Houston; one story single family residence, 8906 Bunningham, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Christus Saint Elizabeth Hospital

Date: N/A

Location: Abandoned Buildings, 711 North 11th Street, Beaumont

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

CITGO Refining Company

Date: N/A

Location: CITGO Refining Company, 3850 Buddy Lawrence, Corpus Christi

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

City of Houston Fire Department

Date: N/A

Location: Old Fire Station No. 31, 522 West Crosstimbers, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

City View

Date: N/A

Location: City View Apartments, 17050 Imperial Valley Drive, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Clear Creek Independent School District

Date: N/A

Location: Clear Creek Intermediate, 15545 El Camino Real, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Asbestos Enforcement (Continued)

Coastal Demolition, Incorporated

Date: N/A

Location: Old Service Station, 3036 College, Beaumont

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Cochran, Bill

Date: N/A

Location: Vacant House, 2020 North Frazier, Conroe

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Convalescent Services, Incorporated

Date: June 27, 2002

Location: Mariner Health of Fort Worth, 4825 Wellesley Avenue, Fort Worth

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Cooper Industries

Date: N/A

Location: Cooper Tools Facility, 7007 Pinemont, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Corpus Christi, City of

Date: N/A

Location: Art Center, 100 Shoreline Drive, Corpus Christi.

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

D.C.O.A.

Date: N/A

Location: West Texas Utility Office Building, 302 Pine, Abilene

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Dallas Public Schools

Date: N/A

Location: H.G. Spruce, 9733 Old Seagoville Road, Dallas

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Dallas Public Schools

Date: N/A

Location: Administration Building, 3700 Ross Avenue, Dallas

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Dan Silvestri, Agent Springs Landing Apartments, Limited Partnership

Date: N/A

Location: Springs Landing Apartments, 3535 Red Bluff, Pasadena

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Daniel I. and Patricia F. McDonough Trust

Date: October 2 and 25, 2002

Location: West Oak Apartments, 6240 Woodward, Amarillo

Citation: Failure to Conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a).]

Dawson, Wayne

Date: N/A

Location: Dawson Funeral Home, 1100 South 10th Street, Temple

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Del Mar College

Date: N/A

Location: Automotive Building (West Campus), 4101 Old Brownsville Road, Corpus Christi

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Desoto Independent School District

Date: N/A

Location: Northside Elementary School, 525 Ray Street, Desoto

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Degussa

Date: N/A

Location: Degussa Warehouse, 5 miles North on Highway 35 North of Aransas Pass, Aransas Pass

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Diamond-Koch

Date: March 26, 2002

Location: Diamond-Koch MB-1 Fractionation Process Plant, 9900 FM 1942, Mont Belvieu

Citation: Failure to provide a timely notification of asbestos related activities. [40 CFR Part 61, Subpart M, 61.145(b)]

Diamonte Properties

Date: N/A

Location: Old Jiffy Lube, 3111 Kirby, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Asbestos Enforcement (Continued)

Dillard's Department Stores

Date: N/A

Location: Dillards-Forum 503, 300 East Pioneer Parkway, Arlington

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Dow Chemical Company, The

Date: N/A

Location: Chlor-Alkali, Oyster Creek Division OC-2, Freeport

Citation: Failure to provide a timely notification of asbestos related activities. [40 CFR Part 61, Subpart M, 61.145(b)]

Driscoll Children's Hospital

Date: June 21, 2001

Location: Driscoll Children's Hospital, 3533 South Alameda Street, Corpus Christi

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Eanes Independent School District

Date: June 17, 2002

Location: Eanes Elementary School, 4101 Bee Caves Road, Austin

Citation: Failure to properly remove asbestos containing building material (ACBM). [25 TAC 295.34(a)]

Edelman, David

Date: N/A

Location: Rent A Center, 2300 Fredericksburg Road, San Antonio

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

EMSL Analytical, Incorporated

Date: October 11 and 23, 2001

Location: Facility, 2501 Central Parkway, Houston

Citation: Failure to maintain records. [25 TAC 295.69(c)(3)]

Engineering and Fire Investigations, Incorporated

Date: March 18, 2002

Location: Lamar High School, 1400 West Lamar, Arlington

Citation: Failure to provide professional services to building owner. [25 TAC 295.47(h)]

Environmental Materials, Incorporated

Date: N/A

Location: Commercial Office Building – Future Mai Plumbing Facility, 626 Easy Street, Garland

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Environmental Materials, Incorporated

Date: October 29, 2001

Location: American Association for Respiratory Care, 11030 Ables Lane, Dallas

Citation: Failure to provide professional services to building owner. [25 TAC 295.47(h) and 25 TAC 295.58(h)]

Envirosol

Date: N/A

Location: Family Life Center, 702 North Frances, Terrell

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Equistar Chemicals

Date: N/A

Location: Equistar Main Control Room, 1501 McKinzie Road, Corpus Christi

Citation: Failure to provide a timely notification of asbestos related activities. [40 CFR Part 61, Subpart M, 61.145(b)]

Family Dollar Store

Date: N/A

Location: Family Dollar Store, 1017 South Grant, Odessa

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Fernandez, Frank

Date: N/A

Location: Sheet Metal Building, 4116 Stassen, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

First City Liquidating Trust/J.M.B.

Date: N/A

Location: First City Tower, 1001 Fannin Street, Houston.

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Foley's Department Store

Date: N/A

Location: Foley's Downtown, 1110 Main, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Forth Worth ISD

Date: March 20, 2002

Location: Number 103 Benbrook Elementary, 800 Mercedes, Forth Worth

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Asbestos Enforcement (Continued)

Furniture Out of Africa, Incorporated

Date: N/A

Location: Warehouse, 8734 Daffodil, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Galveston County

Date: N/A

Location: Galveston County Courthouse and Annex Buildings, 722 Moody, Galveston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Gault, Livie

Date: N/A

Location: Old O.L. Price Elementary, 229 Gym Street, Taylor

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

General Services Administration

Date: N/A

Location: United States Courthouse, 10th and Lamar, Fort Worth

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Giddings Petroleum Corporation

Date: May 14, 2002

Location: Former Bulk Fuel Plant, 913 West Austin Street, Giddings

Citation: Failure to provide notification of demolition; Failure to remove regulated asbestos-containing material (RACM) prior to demolition. [40 CFR Part 61, Subpart M, 61.145(b)(1); 40 CFR Part 61, Subpart M, 61.145(c)(1)]

Guerrero, Javier

Date: March 13, 2002

Location: Former Montgomery Wards Retail Store, 500 North Jackson, Pharr

Citation: Performing asbestos-related activities without employment by a licensed agency. [25 TAC 295.50(a)]

Halliburton Energy Services

Date: N/A

Location: Halliburton Energy Services, 2601 East Belt Line Road, Carrollton

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Date: N/A

Location: Main Manufacturing Complex, 3000 North Sam Houston Parkway East, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Harris County Flood Control District

Date: N/A

Location: Residential Home and Guest House, 6712 Olson Lane, Pasadena

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Harwell, Mary E.

Date: April 18, 2002

Location: Old vacant shopping center, 95 Bluffview, Brownwood

Citation: Failure to remove regulated asbestos-containing material (RACM) prior to demolition or renovation; Failure to provide notification of asbestos related activities. [25 TAC 295.34(b)(1); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Houston, City of

Date: N/A

Location: Former Soup and Salad, 1219 Milam, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Hutto Cooperative Gin Company

Date: April 29, 2002

Location: Vacant building, 79 Highway West, Hutto

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

ICE Contractors, Incorporated

Date: N/A

Location: Houston Motor Inn, 8505 North Freeway, Houston

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Industrial Hygiene and Safety Technology, Incorporated

Date: August 13, 2002

Location: Daniel Meyer Coliseum, 2900 Stadium, Fort Worth

Citation: Failure to notify the Regional Office/Administrator by telephone of a new start date. [25 TAC 295.61(d)(1)]

Asbestos Enforcement (Continued)

Ivory and Gerilene Kennon

Date: September 5, 2002

Location: Former Kennon's BBQ, 2603 East Commerce, San Antonio

Citation: Failure to remove regulated asbestos-containing material (RACM) prior to demolition or renovation; Failure to provide notification of asbestos related activities. [25 TAC 295.61(c)(1) and 40 CFR Part 61, Subpart M, 61.145(c)(1); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

J & J Insulation and Acoustics, Incorporated

Date: June 28, 2001

Location: Wynn Seale Academy of Fine Arts, 1707 Ayers, Corpus Christi

Citation: Failure to prevent public entry to potentially contaminated areas. [25 TAC 295.60(a)(4)]

J.P. Morgan Flemming

Date: N/A

Location: Technicenter Building 1, 4100 Technicenter, Austin.

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Juarez Abatement Services

Date: April 23, 2002

Location: Kwik Copies, 135 South Guadalupe Street, San Marcos

Citation: Failure to notify the regional office/administrator by telephone of a new start date. [25 TAC 295.61(d)(1) and 40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(A)(1)]

Kiser Carpet

Date: N/A

Location: Hardware Store/Westlake, 1821 Knickerbocker, San Antonio

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

KMAC Construction Services, Incorporated

Date: July 11, 2002

Location: Senior Dormitory, 2310 Bliss Spillar, Manchaca

Citation: Failure to notify the regional office/administrator by telephone of a new start date. [25 TAC 295.61(d)(1) and 40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(A)(1)]

Kraft Foods, Incorporated

Date: N/A

Location: Maxwell House Coffee, 3900 Harrisburg, Houston

Citation: Failure to pay the required notification fee(s). [25 TAC 295.61(j)(4)]

Krum, City of

Date: October 1, 2002

Location: Krum City Hall, 102 West McCart, Krum

Citation: Failure to remove asbestos-containing building material; Failure to provide notification of asbestos-related activities. [25 TAC 295.34(b) (1); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M 61.145(b) (1).]

La Paz Partners, Limited Partnership

Date: N/A

Location: 121 La Paz, 121 La Paz, Dallas

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Lin, Yuexia He and Wenshang

Date: August 14, 2002

Location: Old Post Office/Future Restaurant, 1206 Pecan Street, Bandera

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Lockheed Martin

Date: February 4, 2002

Location: Tube and Duct Relocation, PSR 1748A, 1500 Lockheed Boulevard, Fort Worth

Citation: Failure to provide notification of asbestos related activities. [40 CFR Part 61, Subpart M, 61.145(b)]

Marshall, City of

Date: N/A

Location: Civic Center, 2501 East End Boulevard, Marshall

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Martin, Thomas J.

Date: April 25, 2002

Location: Former Fire Station No. 6, 3710 Broadway, Galveston

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Mason, Richard

Date: N/A

Location: La Hacienda Market, 1105 Highway 123, San Marcos

Citation: Failure to pay the required notification fee(s). [25 TAC 295.61(j)(4)]

Methodist Hospital, The

Date: N/A

Location: Methodist Hospital, 6565 Fannin Street, Houston; Methodist Annex, 1130 Earle Street, Houston; Methodist Hospital, 6565 Fannin Street

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Asbestos Enforcement (Continued)

Metropolitan Properties of America, Inc.

Date: N/A

Location: River Oaks Apartments, 3435 Westheimer, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Midwest Wrecking Company

Date: N/A

Location: Office/Storage, 913 East Belknap, Fort Worth

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Mike Hashim Shaviv, Limited-liability Corporation

Date: January 10, 2001 and March 25, 2002

Location: Vacant public buildings and facilities, 958 South San Augustine, 950 South San Augustine, 946 South San Augustine, 945 South General McCullen, 941 South General McCullen, 1013 Castroville Road and 1003 Castroville Road, San Antonio

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Modacor Corporation

Date: April 29, 2002

Location: Business Parkway, 805 Business Parkway, Richardson

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

MRO Southwest, Incorporated dba MRO Southwest I, Incorporated

Date: June 10 and 12, 2002

Location: Burlington Coat Factory, 4522 Fredericksburg Road, San Antonio

Citation: Failure to conduct a thorough asbestos inspection, Failure to provide a timely notification of asbestos related activities. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a)]

Muras, Marion and Debra

Date: June 18, 2002

Location: Vacant Building, North Leon Street, Giddings

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

National Abatement Services, Incorporated

Date: April 19, 2001

Location: Boys and Girls Clubs of Greater Fort Worth, 3118, 3122 and 3124 East Rosedale, Fort Worth

Citation: Failure to establish proper containment ventilation. [25 TAC 295.60(i)]

National Abatement Technology Center of Texas, Incorporated (NATEC)

Date: N/A

Location: National Abatement Technology Center of Texas, Incorporated, Houston

Citation: 3 counts of Failure of training provider to submit a group photo. [25 TAC 295.65(f)(3)]

Naval Facilities Engineering Command Southern Division

Date: N/A

Location: NRRTC Building 8, 1902 Old Spanish Trail, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Naval Reserve Readiness Command South

Date: N/A

Location: Naval and Marine Corp Reserve Center, 2100 North New Road, Waco

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

New Life Christian Fellowship

Date: N/A

Location: New Life Christian Fellowship, 2104 Underwood, La Porte

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

New Plan Excel Realty Trust, Inc.

Date: N/A

Location: Westheimer Commons Shopping Center, 12524 Westheimer, Houston

Citation: Failure to pay the required notification fee. [25 TAC 295.61(j)(4)]

North American Analytical Labs, Incorporated

Date: June 26, 2002

Location: Holiday Hills Nursing Home, Highway 153 West, Coleman

Citation: Failure to notify the regional office/administrator by telephone of a new start date. [25 TAC 295.61(d)(1) and 40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(A)(1)]

North East Texas Farmers Co-Op

Date: N/A

Location: North East Texas Farmers Co-op Feed Mill, Greenville

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Asbestos Enforcement (Continued)

North Texas Affiliated Medical Group

Date: N/A

Location: Abandoned residential homes, 1404, 1408, and 1412 May Street, Fort Worth

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Northside Independent School District

Date: June 6, 2002

Location: John Jay High School, 7611 Marbach Road, San Antonio.

Citation: Failure to properly remove asbestos-containing materials. [25 TAC 295.34(a)]

Nova Chemicals, Incorporated-Bayport Site

Date: N/A

Location: Nova Chemicals, Incorporated-Bayport Site, 12222 Port Road, Pasadena.

Citation: Failure to provide a timely notification of asbestos related activities. [40 CFR Part 61, Subpart M, §61.145(b)]

Niazi, Mohammad R.

Date: January 8, 2002

Location: Former gas station, 3028 South Shaver Street, Pasadena

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition; Failure to contract with or employ a licensed asbestos professional. [25 TAC 295.34(c)(1) and 25 TAC 295.58(h); 40 CFR Part 61, Subpart M, 61.145(b)(1); 25 TAC 295.34(e)]

Oakwood Apartment Management

Date: N/A

Location: Arbor Vista Apartments, El Paso

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Occidental Chemical

Date: N/A

Location: Aistech Chemicals, 4403 LaPorte Highway 225, Pasadena

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Oxy Vinyls, Limited Partnership

Date: N/A

Location: La Porte VCM Plant, 2400 Miller Cut Off Road, La Porte

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Parkdale Mall and Associates

Date: N/A

Location: Parkdale Mall Space 6716, 10155 Eastex Freeway, Beaumont

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Pasadena Independent School District

Date: N/A

Location: Two Residential Homes and a garage, 1510 Avenue N. and 1407 14th Street, Pasadena

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Pastafina of Stephenville, Incorporated

Date: March 21, 2002

Location: Grandy's Restaurant, 2897 West Washington, Stephenville

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Patel, Usha

Date: February 15, 2002

Location: Crest Apartments, 7600 Highway 80, Fort Worth

Citation: Failure to properly remove asbestos containing building materials (ACBM); Failure to provide notification of demolition. [25 TAC 295.34(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Pearland, City of

Date: N/A

Location: Abandoned Residential Structure, 5310 Leggett, Pearland

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Pearland Independent School District

Date: N/A

Location: Old Maintenance Warehouse and Paint Shop, 2316 Old Alvin Road, Pearland

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Pearlman Production

Date: February 1, 2002

Location: Papa Ben's Train Store, 2506 South Boulevard, Houston

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Physicians Specialty Hospital Management of El Paso

Date: N/A

Location: Physicians Specialty Hospital and Mob Sitework, 1397 Zaragosa Road, El Paso

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Asbestos Enforcement (Continued)

Pilot Point, City of

Date: October 4, 2002

Location: Vacant Building, 104 East Main Street, Pilot Point

Citation: Failure to provide a timely notification of demolition. [25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

PM Realty Group

Date: N/A

Location: 2020 North Loop West, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

PM Realty Group c/o The Chase Manhattan Bank

Date: N/A

Location: Chase Manhattan Bank, 700 West Arkansas, Arlington

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Port of Galveston

Date: N/A

Location: Newpark Shipyard, 2920 Newpark Road, Galveston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Powell, Lance C. and Katherine D.

Date: March 22, 2002

Location: Bert Ogden Motors, Incorporated, 4221 South Highway 281, Edinburg

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Premier Properties

Date: N/A

Location: Canyon Oaks Apartments, 1601 Royal Crest Drive, Austin

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Prescott Realty Group

Date: N/A

Location: Office Building, 5959 Corporate Drive, Houston

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Prime Retail, Incorporated

Date: November 28, 2001

Location: Prime Outlet Store No. 171, 104 Northeast I-35, Hillsboro

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

R&S Dairy Queens, Incorporated

Date: July 11, 2002

Location: R&S Dairy Queens, Incorporated, 421 Highway 16 South, Bandera

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Rana, Atha

Date: N/A

Location: Emergency Clinic, 1157 East 42nd, Odessa

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Realty Associates Fund V., Limited Partnership, The

Date: N/A

Location: 515 Post Oak Building, 515 Post Oak Boulevard, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Renaissance Plaza, Incorporated (Dallas Housing Authority)

Date: N/A

Location: Commercial Building, 1401 8th Street, Dallas

Citation: Failure to pay the required notification fee(s). [25 TAC 295.61(j)(4)]

Robles and Sons, Incorporated

Date: April 11, 2002

Location: 715 South Alamo, San Antonio

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Rodriguez, Albert

Date: N/A

Location: Former Auto Service Building, 1500 Westgate, Hidalgo

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Rodriguez, Jose

Date: December 27, 2001

Location: Former Devine Motel/Janie's Washeteria, 511 North Teal, Devine

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Asbestos Enforcement (Continued)

Rodriguez, Nicholas

Date: April 30, 2001

Location: Demolished Building, INTERsection of Texas Highway 725 and US Highway 90A, Guadalupe County

Citation: Failure conduct a thorough asbestos inspection; Failure to provide notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)]

Ross-UW, Limited Partnership

Date: N/A

Location: Ross Ave Lofts, 901 Ross Avenue, Dallas

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j) (4).]

Safenet Environmental Services, Limited-liability Corporation

Date: February 8, 2002

Location: Safenet Environmental Services, Limited-liability Corporation, El Paso

Citation: Failure of training provider to submit a proper group photo. [25 TAC 295.65(f)(3)]

Saint Michaels Catholic Church

Date: N/A

Location: Saint Michaels Church, 1801 Sage, Houston

Citation: Failure to pay the required notification fee(s). [25 TAC 295.61(j)(4)]

San Antonio Housing Alternative Housing Corporation

Date: N/A

Location: New Light Village Apartments, 3144 East Commerce, San Antonio

Citation: Failure to pay the required notification fee(s). [25 TAC 295.61(j)(4)]

San Antonio Independent School District

Date: N/A

Location: Brackenridge High School, 400 Eagleland, San Antonio

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Date: N/A

Location: Learning Community Center, 237 West Travis, San Antonio; Food Service Warehouse, 806 Salado Street, San Antonio

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

San Marcos Treatment Center

Date: November 26, 2001

Location: Oaks Administration Building, 1407 West Stassney, Austin

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Santa Rosa Health Care Corporation

Date: N/A

Location: Santa Rosa Hospital, 519 West Houston, San Antonio

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Sehat, Reza

Date: April 19, 2002

Location: Dunkin Donuts, 7000 West Military Drive, San Antonio

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Shaheen, Saad and Pauline

Date: June 6, 2002

Location: Former Ace Cleaners, 415 Montana Avenue, El Paso

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of asbestos related activities. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Silva, Robert and Brenda Kay

Date: April 18 and June 12, 2002

Location: Former Pet Shop, 509 Early Boulevard/U.S. 377, Brownwood

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Simon Property Group

Date: N/A

Location: Ingram Park Mall Space H-05, 6603 Ingram Road, San Antonio

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Six Flags Mall, Limited Partnership

Date: N/A

Location: Six Flags Mall, 2911 East Division Street, Arlington

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Smith, W.D.

Date: N/A

Location: Smoke House, Van Horn

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Asbestos Enforcement (Continued)

Smithville Regional Hospital

Date: March 5, 2002

Location: Smithville Regional Hospital, 441 Highway 71 West, Bastrop

Citation: Failure to properly remove asbestos-containing building materials (ACBM). [25 TAC 295.34(a)]

South Texas National Bank

Date: N/A

Location: Former A&A Grocery Store, 319 North Meadow, Laredo

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Southern Cotton Oil

Date: N/A

Location: Southern Cotton Oil, 2300 East 50th, Lubbock

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Southwest Airlines Company

Date: N/A

Location: Vacant Single Family Residence, 6634 Waddell Avenue, Dallas

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

STC Environmental Services, Incorporated

Date: April 3, 2002

Location: Abandoned building, 1505 Culebra, San Antonio

Citation: Failure to perform a visual inspection. [25 TAC 295.58(i)(3)(B)]

Tamez, Hector L.

Date: April 26, 2002

Location: Public Building, 154 North

Texas Boulevard, Weslaco

Citation: Failure to remove regulated asbestos-containing material (RACM) prior to demolition or renovation; Failure to provide notification of asbestos related activities. [25 TAC 295.34(b)(1) and 40 CFR Part 61, Subpart M, 61.145(c)(1); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Temple, City of

Date: November 18, 2002

Location: Fee Mill, 213 South 4th Street, Temple.

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Texana Pickle Producers, Incorporated

Date: August 19, 2002

Location: Texana Pickle Producers/ vacant warehouse, 101-301 West Railroad, Weslaco

Citation: Failure to provide a timely notification of demolition. [25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Texas A&M University System

Date: N/A

Location: Zeppa Recreation Sports Center, 2600 South Neal Street, Commerce

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Texas Department of Transportation, Lubbock District

Date: N/A

Location: West Texas and Lubbock Railroad, 610 Brownfield Road, Lubbock

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Texas Instruments

Date: N/A

Location: Forest Lane Site-South Campus, 8505 Forest Lane, Dallas

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Texas Instruments

Date: N/A

Location: TI Boulevard South Building – PAC Building, 13020 TI Boulevard, Dallas

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Texas Tech University

Date: N/A

Location: Texas Tech University, 16th and Akron, Lubbock

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Texas Tower, Limited

Date: N/A

Location: Chase Bank of Texas, 600 Travis, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.34(j) (4)]

Texcan Consulting, Incorporated

Date: September 24, 2001

Location: Building, 14462 IH-10 East, San Antonio

Citation: Failure to conduct a thorough asbestos inspection. [40 CFR Part 61, Subpart M, 61.145(a)]

Asbestos Enforcement (Continued)

Thrall Independent School District

Date: June 21, 2002

Location: Thrall High School – Old Cafeteria, 201 South Bonds, Thrall

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Today Nolan River, Limited Partnership

Date: N/A

Location: Nolan River Mall, 1655 West Henderson, Suite A, Cleburne

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Town and Country Food Stores, Incorporated

Date: May 9, 2002

Location: Town and Country Food Store No. 232, 11 West Yukon Road, Odessa

Citation: Failure to provide an amended notification – start date change. [25 TAC 295.61(e) and 40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(B)(1)]

UAS Automation Systems, Incorporated

Date: June 21, 2002

Location: Alvin High School – Y Building, 802 South Johnson, Alvin

Citation: Failure to follow resilient floor covering institute (RFCI) guidelines. [25 TAC 295.36(a)(4)(5)]

United Brotherhood of Carpenters Health and Safety Fund of North America

Date: N/A

Location: Asbestos Contractor/ Supervisor Refresher and Worker Refresher

Citation: Training Provider failed to submit course information within the specified time. [25 TAC 295.65(f)(3)]

United Lynn-Con Corporation

Date: August 6, 2002

Location: Albertson's Store No. 4243, 2315 Richmond Road, Suite 1, Texarkana

Citation: Failure to provide an amended notification – start date change. [25 TAC 295.61(e)]

U.S. Public Finance, Incorporate dba Destiny 98 TD

Date: September 18, 2003

Location: Vacant Building, 1802 Guadalupe Street, San Antonio.

Citation: Failure to remove asbestos-containing material (RACM) prior to demolition or renovation; Failure to provide notification of asbestos related activities. [25 TAC 295.34(b)(1) and 40 CFR Part 61, Subpart M. 61.145(c)(1); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Universal Industry Services, Incorporated

Date: N/A

Location: Renovation/Demolition Project, 3109 South 1st Street, Garland

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Date: March 18, 2002

Location: Lamar High School, 1400 West Lamar, Arlington

Citation: Failure to install critical barriers, Failure to monitor differential pressure, Failure to use a decontamination. [25 TAC 295.60(b), 25 TAC 295.60(i), 25 TAC 295.60(e)]

University Health System

Date: N/A

Location: University Hospital, 4502 Medical Drive, San Antonio

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

URS/Dames and Moore c/o URS Corporation

Date: June 13 and 18, 2002

Location: American Red Cross, 509 South Baylor, Brenham

Citation: Failure to have a properly licensed person perform an asbestos inspection. [25 TAC 295.50(a)]

Valley Co-Op Oil Mill

Date: April 23, 2002

Location: Valley Co-Op Oil Mill, 1901 North Expressway 77, Harlingen

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Veterans Administration Medical Center

Date: N/A

Location: Department of Veterans Affairs Medical Center, 300 Veterans Boulevard, Big Spring

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Verizon

Date: N/A

Location: Verizon Main Central Office/ BSC, 309 West Oak Street, Denton

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Waffle House, Incorporated dba c/o Tax Department

Date: February 21, 2002

Location: Waffle House, 1910 North Collins, Arlington

Asbestos Enforcement (Continued)

Citation: Failure to remove regulated asbestos-containing material (RACM) prior to demolition or renovation. [25 TAC 295.34(b)(1) and 40 CFR Part 61, Subpart M, 61.145(c)(1)]

Webb, Glenn M.

Date: June 18, 2001

Location: Old Five and Dime, 129 North Virginia, Port Lavaca

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

West Texas Abatement

Date: N/A

Location: Sunbeam Laundry and Ray's TV, 1500 Avenue Q, Lubbock

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

WHAC3

Date: N/A

Location: Turtle Pointe Apartments, 8152 Richmond Avenue, Houston

Citation: Failure to pay the required notification fee(s) with 60 days of notification. [25 TAC 295.61(j) (4).]

Wilkerson, John

Date: N/A

Location: Old 7-11 Store, 3702 Slide Road, Lubbock

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Williams, Carl and Nelly

Date: July 25, 2002

Location: Armando's Paint/Body Shop, 1400 East Rosedale, Fort Worth

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

WSL Corporation

Date: August 6, 2002

Location: Conroe Family Practice Clinic, 701 East Davis Street, Conroe.

Citation: Failure to conduct a thorough asbestos inspection [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Yaws, Richard

Date: N/A

Location: Diamond Shamrock Store No. 80, 3909 Guadalupe Street, Austin

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Young Contractors, Incorporated

Date: N/A

Location: Midway Football Stadium Visitor's Locker Room, 901 Old Hewitt Road, Hewitt

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Z&Z Environmental

Date: N/A

Location: Village Bakery, 2606 Wolfen Village, Amarillo

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

The Enforcement
orders are also
available on the
web at:
[www.tdlh.state.tx.us/
beh/asbestos/
Enforcement.htm](http://www.tdlh.state.tx.us/beh/asbestos/Enforcement.htm)

Asbestos Enforcement (Continued)

The following entities have been issued a Default Order by the Texas Department of Health:

A.S.L.M Limited

Date: N/A

Location: Lakeside Shopping Center, 7028 Alameda, El Paso

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Bank One c/o Trammel Crow Company

Date: N/A

Location: Bank One, 6300 Harry Hines Boulevard, Dallas

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Billingsley Company, Incorporated

Date: N/A

Location: Texaco, 360 Northeast Loop 410, San Antonio

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Blinn College

Date: N/A

Location: Schwartz Hall, 1004 Prairie Lea Street, Brenham; Tomachevsky Hall, 900 Prairie Lea Street, Brenham

Citation: 2 counts of Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

BP

Date: N/A

Location: West Little York Rock Laboratory, 11611 West Little York Road, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Burcham, Kent

Date: N/A

Location: Math Computer Science Building, intersection of Pickard and Russell, San Marcos

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Choe, Jong

Date: N/A

Location: Longpoint Chevron, 7901 Longpoint, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Clear Lake Medical Center, Incorporated

Date: N/A

Location: Clear Lake Medical Center, 500 Medical Center Boulevard, Webster

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

City of Odessa Community Services

Date: N/A

Location: Abandoned Gas Station, 600 South Muskingum, Odessa

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Courtyard Apartments, Ltd.

Date: November 6, 7, and 15, 2001

Location: Courtyard Apartments, 2211 5th Street, Temple.

Citation: Denial of Access to Perform Inspection; Failure to Provide Notification of Asbestos Related Activities; Failure to Remove Asbestos-Containing Building Material (ACBM) Prior to Demolition or Renovation; Failure to Employ Licensed Asbestos Professionals; Failure to Prepare an Abatement Project Design; Performing Asbestos Related Activities without a License; Failure to Perform Air Monitoring; Failure to Adequately Cover Floors and Walls Within Containment; Failure to Properly contain Asbestos Containing Building Material (ACBM); Failure to Thoroughly Wet Asbestos-Containing Building Material (ACBM); Failure to Install Critical Barriers; Failure to Use a Decontamination System; Failure to Establish Proper Containment Ventilation – No High Efficiency Particulate Air (HEPA) Filtration. [25 TAC 295.68(a); 25 TAC 295.68(d); 25 TAC 295.61(a); 25 TAC 295.34(a); 25 TAC 295.58(c); 25 TAC 295.34(g); 25 TAC 295.34(e); 25 TAC 295.35(a); 25 TAC 295.60(m)(3); 25 TAC 295.60(d); 25 TAC 295.60(j)(3); 25 TAC 295.60(j)(1); 25 TAC 295.60(b); 25 TAC 295.60(e); 25 TAC 295.60(i)]

EPSCO, Incorporated

Date: N/A

Location: Mountain View College, 4849 West Illinois Avenue, Dallas

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

First Assembly of God

Date: N/A

Location: First Assembly of God, 1601 South Harley, Harker Heights

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Asbestos Enforcement (Continued)

Frito-Lay Corporation

Date: N/A

Location: Frito-Lay Corporation, 948 Avenue H, Arlington

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

FSF Four Seasons Associates, Limited Partnership

Date: June 27, 2002

Location: Four Seasons Apartments, 620 Hewitt Drive, Hewitt

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Harris County Right of Way, Public Infrastructure Department

Date: N/A

Location: Former Bar, 4415 Maury, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Hernandez, Edward

Date: N/A

Location: Commercial Building, 518 South Port, Corpus Christi

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Iron Gate Holdings, Incorporated

Date: N/A

Location: Abbey Court Apartments, 4303 Andrews Highway, Midland

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

JAG Contractors, Limited-liability Corporation

Date: May 30, 2002

Location: Brookhollow Shopping Center, 15032 San Pedro, San Antonio

Citation: Failure to supervise compliance with the use of personal protective equipment. [25 TAC 295.45(f)(5)]

JC Penny Company, Incorporated

Date: N/A

Location: JC Penny Store No. 2110, 2100 SWS Young Drive, Killeen

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Lloyd D. Nabors Demolition, Incorporated

Date: March 26 and April 2, 2002

Location: Target Store Automotive Shop, 10000 Kleckly, Houston

Citation: Failure to provide an amended notification – later start date. [25 TAC 295.61(d) and 40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(A)]

Mai Ting, Bob Etux Saadia

Date: March 26, 2002

Location: 407 Truck Stop, 2405 Cales Drive, Arlington

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Memorial Hermann Healthcare System

Date: N/A

Location: Memorial Hermann Professional Building, 6410 Fannin, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Metropolitan Methodist Hospital

Date: N/A

Location: Speedlin Medical Clinic, 1410 McCullough Avenue, San Antonio

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Microsoft

Date: N/A

Location: Microsoft – Digital Anvil, 400 West Cesar Chavez, Austin

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Needham, Jimmy Dale

Date: January 11, 2002

Location: Waco Transmission, 1216 North Loop Drive, Waco

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Ratliff, Victor Jr.

Date: N/A

Location: Vacant Building, 115 North Walnut Street, Sherman

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Ray, Ron

Date: March 22 and April 25, 2002

Location: 1649A Babcock Road, San Antonio

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61.145(a)]

Rodriguez, Jose

Date: January 24, 2002

Location: Former Devine Motel, 511 North Teal, Devine

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Asbestos Enforcement (Continued)

Saint Phillip Presbyterian Church

Date: N/A

Location: Saint Phillip Presbyterian Church, 4807 San Felipe, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Sam Houston Gardens

Date: N/A

Location: Sam Houston Gardens, 1615 Hillendahl, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

San Antonio River Authority

Date: N/A

Location: Vacant House, 12557 Crescent Bend, Schertz

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Specialty Retail Development, Limited-liability Corporation

Date: N/A

Location: Bealls No. 100, 6000 West Waco Drive, Waco

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Texas A&M University System

Date: N/A

Location: Zeppa Recreation Sports Center, 2600 South Neal Street, Commerce

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Texas Department of Transportation

Date: N/A

Location: Seguin Maintenance Building, 2028 Highway 46 North, Seguin

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Date: N/A

Location: Reproduction Office/Facility, 7721 Washington, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Date: N/A

Location: Theater, 4349 19th and Quaker Avenue, Lubbock; Armory, 2819 4th Street, Lubbock

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Texas Tower, Limited

Date: N/A

Location: Chase Bank of Texas, 600 Travis, Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

United States Army Fort Sam Houston

Date: N/A

Location: Building 814, 814 Patch Road, Fort Sam Houston

Citation: Failure to pay the required notification fee(s) within 60 days of notification. [25 TAC 295.61(j)(4)]

Asbestos Advisory Board Committee Solicitations

The Asbestos Programs Branch will be soliciting nominations to fill four vacancies on the Asbestos Advisory Board Committee.

To qualify an applicant must be either a consumer or non-consumer. Non-consumers are licensees and others involved in the asbestos abatement industry or which are directly affected such as lawyers, doctors or insurance providers. Consumer members are those that use the services of the licensees or others regulated by the Texas Department of Health. The terms of these positions begin upon appointment and end on August 31, 2009.

If you would like more information on the Advisory Committee please visit our website:

www.tdh.state.tx.us/beh/asbestos/advisory.htm

Request for 2-day Consultant Refresher Course



Terry Baudoin,
Administrator, Asbestos Licensing Section

The Asbestos Training Provider Licensing Program (Program) received a request to conduct a 2-day Consultant Refresher course and we would like to share the results of our efforts based on that inquiry. The basis of this request comes from §295.65(e), where the following is stated, “... Consultants shall attend an approved two-day annual refresher training course, or four separate refreshers consisting of project designer, inspector, management planner, and air monitoring technician.” The program discussed this issue at length with the Department’s Office of General Council (OGC). It is the position of the Program that it can not allow the combining of individual training courses into a single “Consultant Refresher” course, since it is both outside the approval authority delegated to the Department from the Environmental Protection Agency (EPA), and it is in direct conflict with a number of the Sections in the Texas Asbestos Health Protection Rules (TAHPR).

The following TAHPR citations provide our rationale to the conclusion derived above:

In the TAHPR, §295.64(a)(1) states, “The provisions of the Environmental Protection Agency (EPA) Model Accreditation Plan (MAP) reaffirm the principle that each of the accredited training disciplines is distinct from the others, because each reflects a different functional job role. Training courses for all disciplines shall be in accordance with the MAP.”

In the EPA MAP, Part 763, Subpart E, *I. Asbestos Model Accreditation Plan for States*, Section D “Continuing Education”, (5) states, “... The refresher course shall be specific to each discipline. Refresher courses shall be conducted as separate and distinct courses and not combined with any other training during the period of the refresher course. ...” This is even confirmed in the Preamble to the MAP, Vol. 59, No 23, Thursday, February 3, 1994, Section II Summary of Changes, C. Distinct Training Disciplines, page 9. “Even where training programs cover common subjects, these same subjects need to be given a different priority and emphasis depending upon the particular discipline a person is being trained for. ...”

In the TAHPR, §295.64(a)(2) states, “Each initial and refresher training course offered for accreditation must be specific to a single discipline, and not combined with training for any other discipline.” And, in the new rule, the Program extended the prohibition of combining instruction to the hands-on training portion of training courses.

In the TAHPR, §295.55(d)(9)(C) states, “Basic or refresher courses shall be conducted in only one discipline and not be combined with courses of other disciplines, i.e., an abatement worker course and a contractor/supervisor course cannot be taught as a combined course.” And, in the new TAHPR, the Program added the following language to the rule: “This prohibition against combined training applies to hands-on training sessions as well as other aspects of the course.”

Continued on next page...

Request for 2-day Consultant Refresher Course- continued...

Lastly, the TAHPR, §295.64(a)(6) states, "... No more than eight hours of instruction are authorized within a calendar day."

In conclusion, the Program sees no option under the TAHPR that would allow a combined 2-day Consultant Refresher Course, since the Department is either bound to the requirements of the MAP or prohibited by virtue of the TAHPR. The Program will consider this concern during a future rule change. The argument is that since the air monitor technician course is not covered by the MAP, Texas could allow additional training in this category to be offered in the same day, beyond the eight hour limit for MAP courses.

**Texas Department of Health
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